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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 EDWARD DEMARCO, et al.,

11 Plaintiffs,

12 v.

13 BAC HOME LOANS SERVICING, LP, et
14 al.,

15 Defendants.

Case No. 2:09-CV-02333-KJD-LRL

ORDER

16 The Complaint in this case was filed in state court on November 20, 2009, listing as
17 Defendants: BAC Home Loans Servicing, LP (“BAC”), MTC Financial, Inc., (as the agent for BAC),
18 Doe Defendants I through X, and Roe Corporations A through Z. Defendant BAC removed the case
19 to federal court on December 9, 2009, indicating that it had been served with notice of the summons
20 and complaint on December 1, 2009. (See #1 Ex. A.) On April 14, 2010, the Court issued an Order
21 (#9) granting BAC’s Motion to Dismiss, and dismissing the Complaint as to BAC.

22 Fed. R. Civ. P. 4(m) requires that a defendant be served with notice of summons and
23 complaint within 120 days of the filing of the complaint. Here, as Plaintiff’s Complaint was filed on or
24 November 20, 2009, service of the summons and complaint was required on all defendants on or
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1 before March 22, 2010. To date however, Plaintiff has failed to file proper proof of service upon the
2 remaining Defendant, MTC Financial.

3 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff shall file proof of proper service of
4 summons and complaint upon Defendant MTC Financial pursuant to Fed. R. Civ. P. 4(m) on or
5 before August 31, 2010. Failure to provide notice of proper service will result in dismissal of this
6 action.

7 DATED this 18th day of August 2010

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11 Kent J. Dawson
United States District Judge

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